

21 C.J.S. Courts § 294

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Courts

M. Elaine Buccieri, J.D.; James Buchwalter, J.D.; Amy G. Gore, J.D., of the staff of the National Legal Research Group, Inc; and Lonnie E. Griffith, Jr., J.D.

VIII. Concurrent and Conflicting Jurisdiction

B. State and United States Courts

4. Enjoining Proceedings in Other Court

a. In General

§ 294. Applicability of Anti-Injunction Act to proceedings in a state court

[Topic Summary](#) | [References](#) | [Correlation Table](#)

West's Key Number Digest

West's Key Number Digest, [Courts](#)  508(1), 508(2.1), 508(7)

The Anti-Injunction Act provides that subject to certain specified exceptions, a federal court may not grant an injunction to stay "proceedings in a state court" and, thus, it has been held that the Act applies to bar the enjoining of only those proceedings pending in state court but does not prevent a federal court from enjoining the parties from commencing future proceedings in state court.

The Anti-Injunction Act provides that subject to certain specified exceptions, a federal court may not grant an injunction to stay "proceedings in a state court."¹ The core message of the Anti-Injunction Act is one of respect for state courts.² Accordingly, there is authority holding that the Act applies to bar the enjoining of only those proceedings pending in state court or only those suits

already instituted but does not prevent a federal court from enjoining the parties from commencing future proceedings in state court.³

Similarly, the Anti-Injunction Act's bar applies although there are no pending proceedings in state court at the time of the request for injunctive relief as long the state proceedings are pending at the time the federal court acts on the request.⁴ In other words, the Act applies whenever a state suit is pending regardless of when that suit was filed.⁵ Other authority holds, however, that the question whether state proceedings are pending is appropriately answered by reference to the date on which injunctive relief is sought in federal court, not the date on which injunctive relief is granted.⁶

Because the Act extends only to proceedings in a state court, it does not prohibit federal courts from enjoining proceedings before state administrative agencies even though an appeal may be had to the state courts from the administrative determination.⁷

Arbitration.

Arbitration has been held to be a proceeding in state court for purposes of the Anti-Injunction Act as long as the arbitration has been ordered or its award enforced by a state court in judicial, as opposed to merely ministerial, proceedings.⁸ Where an arbitration proceeding is private and voluntary, and the state courts have not become involved and may never become involved in the proceeding, the Act does not apply.⁹

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Footnotes

- 1 28 U.S.C.A. § 2283.
- 2 U.S.—*Smith v. Bayer Corp.*, 564 U.S. 299, 131 S. Ct. 2368, 180 L. Ed. 2d 341, 73 A.L.R. Fed. 2d 645 (2011).
- 3 U.S.—*Pathways, Inc. v. Dunne*, 329 F.3d 108 (2d Cir. 2003); *Martingale LLC v. City of Louisville*, 361 F.3d 297, 2004 FED App. 0080P (6th Cir. 2004).

Lawyer's prospective filing
The Anti-Injunction Act does not preclude injunctions against a lawyer's filing of a prospective state court action.

U.S.—*Newby v. Enron Corp.*, 302 F.3d 295, 2 A.L.R. Fed. 2d 593 (5th Cir. 2002).
- 4 U.S.—*Denny's, Inc. v. Cake*, 364 F.3d 521 (4th Cir. 2004).
- 5 U.S.—*Sherwin-Williams Co. v. Holmes County*, 343 F.3d 383, 180 Ed. Law Rep. 501 (5th Cir. 2003).

- 6 U.S.—National City Lines, Inc. v. LLC Corp., 687 F.2d 1122 (8th Cir. 1982).
- 7 U.S.—Entergy, Arkansas, Inc. v. Nebraska, 210 F.3d 887 (8th Cir. 2000).
- 8 U.S.—Prudential Real Estate Affiliates, Inc. v. PPR Realty, Inc., 204 F.3d 867 (9th Cir. 2000).
- 9 U.S.—Prudential Real Estate Affiliates, Inc. v. PPR Realty, Inc., 204 F.3d 867 (9th Cir. 2000).

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